

Attorney:
MICHAEL FAILLACE
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60 EAST 42ND STREET SUITE 4510
NEW YORK NY 10165



UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FIDELA ARIAS, INDIVIDUALLY AND ON BEHALF OF OTHERS SIMILARLY
SITUATED

Plaintiff

LA FONDA REST CORP. D/B/A LA FONDITA RESTAURANT, ET AL
Defendant

Index / case #: 1:20-CV-06182-ERK
AFFIDAVIT OF SERVICE

Suffolk County, State of: New York Ricardo Curo being sworn,
says: Deponent is not a party herein, is over the age of 18 years and resides in the State of: NY
On 30.02.21 at 8:47 am/pm at: 49-11 69TH STREET WOODSIDE NY 11377

Deponent served the within: SUMMONS IN A CIVIL ACTION, COMPLAINT,
NOTICE OF INTENTION TO ENFORCE SHAREHOLDER LIABILITY

On which were set forth the Index No., herein, and date of filing

On: ERICA HERNANDEZ C/O LA FONDITA RESTAURANT
(herein after called the recipient) therein named.

- ☒ Individual By delivering a true copy of each to said recipient personally; Deponent knew the person so served to be the person described in as said recipient therein
- ☐ Suitable Age person By delivering thereat a true copy of each to: _____
a person of suitable age and discretion. Said premises is recipients [] Actual Place of Residence
[] Actual Place of Business within the State.
- ☐ Affixing to Door By affixing a true copy of each to the door of said premises which is recipients [] Actual Place of Residence
[] Actual Place of Business, within the State
Deponent was unable with due diligence to find recipient or person of suitable age and discretion thereat having called there _____
- ☐ Corporation or Partnership By delivering thereat a true copy of each to: _____
personally. Deponent knew said corporation / partnership so served to be the corporation / partnership described in said
aforementioned document as said recipient and knew said individual to be _____ thereof.
- ☐ Mailing Within 20 days of such delivery, or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed
to recipient at recipients last known [] Actual Place of Residence [] Actual Place of Business
at _____
and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within
New York State. The envelope bore the legend "personal and confidential" and did not indicate on the outside, thereof
by return address or otherwise that the communication was from an attorney or concerned an action against the defendant.
- ☒ Description [] Male [] White skin [X] Black hair [] 14-20 Yrs [] Under 5' [] Under 100 Lbs
[X] Female [] Black skin [] Brown hair [X] 21-35 Yrs [X] 5'0"-5'3" [] 100-130 Lbs
[] Yellow skin [] Gray hair [] 36-50 Yrs [] 5'4"-5'6" [X] 131-160 Lbs
[X] Brown skin [] Blonde hair [] 51-65 Yrs [] 5'9"-6'0" [] 161-200 Lbs
[] Red skin [] Red hair [] Over 65 Yrs [] Over 6' [] Over 200 Lbs
- Other Identifying Features _____

☒ Military Service I asked the person spoken to whether recipient was in active military service of the United States or the State of
New York in any capacity whatever and received a negative reply. The source of my information and the grounds of my belief
are the conversations and observations above narrated.

☐ Subpoena Fee Tendered in the amount of _____

Sworn to before me on Feb 2, 2022 Carla M. Ellis
(Print name below signature)
Ricardo Curo
2034227

CARLA M. ELLIS
NOTARY PUBLIC STATE OF NEW YORK
No 6011180
QUALIFIED IN SUFFOLK COUNTY
COMMISSION EXPIRES August 3, 20 22

File No. 1:20-CV-06182-ERK

Work Order No. 525161

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

FIDELA ARIAS, individually and on behalf of others
similarly situated,

Plaintiff(s)

v.

LA FONDA REST CORP. (D/B/A LA FONDITA
RESTAURANT) and ERICA HERNANDEZ,

Defendant(s)

Civil Action No. 20cv6182

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Erica Hernandez
(C/O LA FONDITA RESTAURANT)
49-11 69th Street,
Woodside, New York, 11377

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael A. Faillace
Michael Faillace & Associates, P.C.
60 East 42nd Street
Suite 2540
New York, NY 10165

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DOUGLAS C. PALMER
CLERK OF COURT

Date: 12/21/2020

/s/Priscilla Bowens

Signature of Clerk or Deputy Clerk

